

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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CHRISTIAN STOKES,

Plaintiff,

- against -

RONALD LUSKER, MARILYN KOCHER LUSKER,
EBERT & ASSOCIATES, STEVEN EBERT, ESQ.,
ANDREWS BUILDING CORP., MALLEY GROUP,
ERIC MALLEY, 85-87 MERCER STREET
ASSOCIATES, INC.,

Defendants.
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: 08 Civ. 3667 (CM) (DEF)
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**NOTICE OF MOTION TO
DISMISS THE COMPLAINT
AS TO DEFENDANTS RONALD
LUSKER AND MARILYN
KOCHER LUSKER**

PLEASE TAKE NOTICE that, upon the Affidavit of Barry M. Karson, sworn to June 19, 2008, and the exhibits annexed thereto, and the accompanying Memorandum of Law of Defendants Ronald Lusker and Marilyn Kocher Lusker in Support of Their Motion to Dismiss, dated June 19, 2008, defendants Ronald Lusker and Marilyn Kocher Lusker (the "Luskers"), by their undersigned attorneys, will move this Court, before the Honorable Colleen McMahon, at the U.S. Court House, located at 500 Pearl Street, New York, New York, in Courtroom 21B, on a date and at a time to be determined by the Court, pursuant to the Individual Practices of Judge McMahon (the "Individual Practices"), Practice 2D, and pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the claims for fraud and conspiracy it appears plaintiff Christian Stokes attempts to allege against the Luskers in the first cause of action of the complaint in this case, and to dismiss the claims for unjust enrichment, fraudulent inducement and violation against the "policy of penalties and/or forfeiture" alleged against the Luskers in the second cause of action of that complaint, with prejudice, and awarding the Luskers such other and further relief as the Court deems just and proper.

Pursuant to the Individual Practices, answering papers, if any, are to be served two (2) weeks after receipt of the moving papers, and reply papers, if any, are to be served five (5) business days thereafter.

Dated: June 19, 2008
New York, New York

KARSON & LONG, LLP

By: 
Barry M. Karson (BK-0177)
Attorneys for Defendants
Ronald Lusker and Marilyn Kocher Lusker
600 Third Avenue, 15th Floor
New York, New York 10017
(212) 490-8413

TO: Joseph H. Neiman, Esq.
Attorney for Plaintiff
179-36 80th Road
Jamaica Estate, New York 11432

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AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

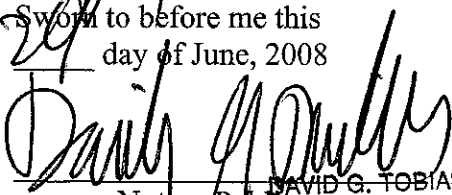
ELAINE MILLER, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age and reside in Dumont, New Jersey 07628.

2. On June 24, 2008, I served a true copy of a Notice Of Motion To Dismiss The Complaint As To Defendants Ronald Lusker And Marilyn Kocher Lusker and Affidavit in Support, dated June 19, 2008, in the above referenced matter, by regular mail in a pre-paid wrapper at a depository under the exclusive care and custody of the United States Post Office within New York State, addressed to Joseph H. Neiman, Esq., Attorney for Plaintiff, at 179-36 80th Road, Jamaica Estate, New York 11432.


ELAINE MILLER

Sworn to before me this
day of June, 2008


DAVID G. TOBIAS
Notary Public, State of New York
No. 02TO4741211
Qualified in New York County
Commission Expires August 6, 2009